IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.8399 of 1990

RAM NARAYAN SINGH, son of Raj Jatan Singh, resident of village and P.O. Davaich, P.S. Tisianta, District – Vaishali.

---------- **Petitioner.**

Versus

1. The State of Bihar, through Collector, Vaishali
2. Collector, Vaishali at Hajipur
3. Parichhan Mahton son of late Ram Lakhan Mahton.
4. Mahabir Mahton son of late Ram Lakhan Mahton.
   Both nos. 3 & 4 resident of village and P.O. Davaich, P.S. Tisianta, District – Vaishali.

---------- Respondents.

For the petitioner : Mr. Shrinandan Pd. Singh, Adv.
Mr. Ashok Kumar, Advocate No.1
For the State : Mr. Rajesh Kumar, J.C. to A.A.G. 6

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3 16.12.2008 Heard learned counsel for the petitioner and learned counsel for the State.

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By virtue of order dated 29.11.1990 contained in Annexure – 1, the Collector, Vaishali, on an application made by the other side, the earlier order passed under Section 32 of the Consolidation Act has been recalled and notices issued to the petitioner for fresh hearing.

Submission of learned counsel appearing on behalf of the petitioner is that the Act or the Law does not empower the Collector to review his own order once passed under Section 32 of the Act. The power of review is not an inherent power but is always a creation of statute.

Even though the learned Collector has

relied on Section 151 of the C.P.C. and has talked about dispensing larger justice, but in the opinion of this Court that may not be enough to bestow the jurisdiction or power of review when has already passed an order in the case.

The writ application is allowed, Annexure – 1dated 29.11.1990 is quashed.

Rajeev/

(Ajay Kumar Tripathi, J.)

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